

Tingler et al. (505) are stated to disclose the need for antistatic layers on the opposite side of supports from silver halide to layers. The Examiner states it would be obvious to one skilled in the art to use protective backing layers as in the Tingler patents in order to protect them during processing, prevent abrasion and reduce friction. This rejection is respectfully traversed. Trautweiler discloses a system for imaging wherein an image is formed on a transparent substrate and then the substrate is adhered to a base with the transparent sheet on the surface through which the silver halide formed image is viewed. There is no disclosure or suggestion in Trautweiler that the upper surface transparent sheet should be provided with a protective layer or shield to protect the surface from scratching, fingerprints or other damage. The two Tingler patents disclose the formation of imaging elements provided with an electrically conducted layer and a protective overcoat layer that overlays the electrically conductive layer. The electrically conducted layer apparently is formed onto the base material and not the surface through which the image is viewed. There is no disclosure suggestion of formation of an image on a transparent member that is adhered to a base material. Further, there is no disclosure or suggestion that the protective layer of the Tingler et al. patents which is designed to protect the antistatic layer during photographic development would be suitable for protection from fingerprints and scratching. It appears that the protection is from chemicals during development. Therefore, there is no disclosure suggestion that would lead one to a shield layer for Trautweiler. The teaching of the Tingler et al. patents in the use of overcoats for protection for developers would not lead one to the instant invention which is protection of a finished image from environmental hazards. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 4 of the Office Action, claims 1, 2, 4-8, 13-17, and 19-21 stand rejected under 35 USC 102 as anticipated by or, in the alternative, under 35 USC 103 as obvious over Oltean et al.. It is respectfully requested that this rejection be reconsidered and withdrawn as claims 1, 2, 4-8, 13-17, and 19-21 have been cancelled.

In paragraph 5 of the Office Action, claims 1, 2, 4-17 and 19-21 stand rejected under 35 USC 102 or, in the alternative, under 35 USC 103 over Murayama. It is respectfully requested that this rejection be reconsidered and

withdrawn as the claims to which it is applied have been cancelled.

In paragraph 6 of the Office Action, claims 1-8, 13, 14, 16, 17, and 19-21 stand rejected under 35 USC 102 or, in the alternative, under 35 USC 103 over Ueda et al.. It is respectfully requested that this rejection be reconsidered and withdrawn as claims to which it is applied have been cancelled.

In paragraph 8 of the Office Action, claims 7 and 24 stand rejected under 35 USC 112 as being indefinite as it is not clear whether a Markush claim is intended. Claim 24 has been amended to overcome the Examiner's objection, and therefore reconsideration and withdrawn as requested. Claim 7 has been cancelled.

Therefore, it is respectfully requested that rejections under 35 USC 102, 35 USC 103, and 35 USC 112 be reconsidered and withdrawn and an early Notice of Allowance be issued in this application

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page(s) is captioned "**Version With Markings to Show Changes Made.**"

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul A. Leipold", written over a horizontal line.

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Version With Markings to Show Changes Made

In the Claims

Claims 1-21 have been cancelled.

Claim 24 has been amended as set forth below:

24. (Once Amended) The photographic element of Claim 23 wherein said upper shield layer comprises lubricants, film-forming polymeric binder and filler particles wherein said lubricant [may be] is selected from the group consisting of silicates, silicone based materials, fatty acids, fatty acid derivatives, alcohols, alcohol derivatives, fatty acid esters, fatty acid amides, polyhydric alcohol esters of fatty acids, paraffin, carnauba wax, natural waxes, synthetic waxes, petroleum waxes, mineral waxes, and fluoro-containing materials wherein said film forming binder [may be] is selected from the group consisting of polyurethanes, cellulose acetates, poly(methyl methacrylate), polyesters, polyamides, polycarbonates, polyvinyl acetate, proteins, protein derivatives, cellulose derivatives, polysaccharides, poly(vinyl lactams), acrylamide polymers, poly(vinyl alcohol), derivatives of poly(vinyl alcohol), hydrolyzed polyvinyl acetates, polymers of methacrylates, polymers of alkyl acrylates, polymers of sulfoalkyl acrylates, polyamides, polyvinyl pyridine, acrylic acid polymers, maleic anhydride copolymers, polyalkylene oxide, methacrylamide copolymers, polyvinyl oxazolidinones, maleic acid copolymers, vinyl amine copolymers, methacrylic acid copolymers, acryloyloxyalkyl sulfonic acid copolymers, vinyl imidazole copolymers, vinyl sulfide copolymers, homopolymer containing styrene sulfonic acid, copolymers containing styrene sulfonic acid, gelatin and combinations thereof and wherein said filler particles [may be] are selected from the group consisting of matte beads, silica, glass beads, pigments, and polymeric beads.

Claim 27 has been amended as set forth below:

27. (Once Amended) The photographic element of Claim 26 wherein said upper shield layer comprises lubricants, film-forming polymeric

binder and filler particles wherein said lubricant [may be] is selected from the group consisting of silicates, silicone based materials, fatty acids, fatty acid derivatives, alcohols, alcohol derivatives, fatty acid esters, fatty acid amides, polyhydric alcohol esters of fatty acids, paraffin, carnauba wax, natural waxes, synthetic waxes, petroleum waxes, mineral waxes, and fluoro-containing materials wherein said film forming binder [may be] is selected from the group consisting of polyurethanes, cellulose acetates, poly(methyl methacrylate), polyesters, polyamides, polycarbonates, polyvinyl acetate, proteins, protein derivatives, cellulose derivatives, polysaccharides, poly(vinyl lactams), acrylamide polymers, poly(vinyl alcohol), derivatives of poly(vinyl alcohol), hydrolyzed polyvinyl acetates, polymers of methacrylates, polymers of alkyl acrylates, polymers of sulfoalkyl acrylates, polyamides, polyvinyl pyridine, acrylic acid polymers, maleic anhydride copolymers, polyalkylene oxide, methacrylamide copolymers, polyvinyl oxazolidinones, maleic acid copolymers, vinyl amine copolymers, methacrylic acid copolymers, acryloyloxyalkyl sulfonic acid copolymers, vinyl imidazole copolymers, vinyl sulfide copolymers, homopolymer containing styrene sulfonic acid, copolymers containing styrene sulfonic acid, gelatin and combination thereof wherein said filler particles [may be] are selected from the group consisting of matte beads, silica, glass beads, pigments, and polymeric beads.

Claim 28 has been amended as set forth below:

28. (Once Amended) The photographic element of Claim 26 wherein said upper shield layer comprises wax esters of high fatty acids, silicates, carnauba wax, fluoro-containing materials, silica, polymeric beads, polyurethanes, polycarbonates, [and/]or gelatin.

Claim 30 has been amended as set forth below:

30. (Once Amended) The photographic element of Claim 29 wherein said upper shield layer comprises electrostatic charge control materials selected from the group consisting of conductive particles including doped-metal oxides, metal oxides containing oxygen deficiencies, metal antimonates, conductive nitrides, carbides, or borides[, for example, TiO_2 , SnO_2 , Al_2O_3 , ZrO_3 ,

In_2O_3 , MgO , ZnSb_2O_6 , InSbO_4 , TiB_2 , ZrB_2 , NbB_2 , TaB_2 , CrB_2 , MoB , WB , LaB_6 , ZrN , TiN , TiC , and WC].

Claim 33 has been amended as set forth below;

33. (Once Amended) The photographic element of Claim 26 wherein said [element] upper shield layer has scratch resistance of greater than 3 grams.